

# SENATE RECORD VOTE ANALYSIS

106th Congress  
1st Session

Vote No. 56

March 23, 1999, 6:47 p.m.  
Page S-3108 Temp. Record

## EMERGENCY SUPPLEMENTAL/Park Service and Alaskans at Glacier Bay

**SUBJECT:** Emergency Supplemental Appropriations and Rescissions Act for fiscal year 1999 . . . S. 544. Baucus motion to table the Murkowski amendment No. 130.

### ACTION: MOTION TO TABLE FAILED, 40-59

**SYNOPSIS:** As amended, S. 255, the Emergency Supplemental Appropriations and Rescissions Act for fiscal year 1999, will provide \$2.366 billion in new budget authority. The costs of the new spending, in both budget authority and outlays, will be fully paid for by cutting existing spending. Therefore, none of the funding will be provided with an emergency designation (that designation is used as a means under the budget rules to avoid having to find a way for paying for new proposed spending). The bill will enact offsets totaling \$4.781 billion. Most of the offsets will come from rescinding a portion of the largely unspent balances of the \$21 billion in emergency funding added to last year's omnibus appropriations bill (see 105th Congress, second session, vote No. 314), though none of the rescissions will be from defense accounts. The offsets will exceed the new budget authority in order to obtain enough outlays to match the outlays that will occur under this bill in the next 5 years (budget authority grants permission to spend funds; outlays are the actual expenditure of funds; the outlay rate of the assistance given by this bill will be much faster than the outlay rate of most of the \$21 billion in emergency spending in the omnibus bill). A total of \$977 million will be given in disaster assistance to South American countries, \$100 million will be given to Jordan, and \$592 million will be given for agricultural relief (four times as much as was requested). The agricultural assistance will include \$150 million for pork producers (plus an additional \$100 million already appropriated will be available to help pork producers), \$110 million for the agricultural insurance fund, \$100 million for watershed and flood operations, \$73 million for the livestock indemnity program, and \$30 million for rural water infrastructure grants.

Other provisions include the following: the Federal Government will be barred from taking ("recouping") approximately \$19 billion from the States out of the funds that they have won in settlement of their suits against tobacco companies (for related debate, see vote No. 53); the Federal Emergency Management Agency will be given \$314 million in new budget authority to respond to unmet State disaster needs; \$145 million will be provided for a \$1 billion loan guarantee program to support the domestic steel

(See other side)

YEAS (40)			NAYS (59)			NOT VOTING (1)	
Republicans (6 or 11%)	Democrats (34 or 76%)		Republicans (48 or 89%)	Democrats (11 or 24%)		Republicans (1)	Democrats (0)
Chafee	Baucus	Kerry	Abraham	Helms	Akaka	Cochran <sup>4</sup>	
Collins	Biden	Kohl	Allard	Hutchinson	Bayh		
Jeffords	Bingaman	Lautenberg	Ashcroft	Hutchison	Breaux		
Lugar	Boxer	Leahy	Bennett	Inhofe	Byrd		
Snowe	Bryan	Levin	Bond	Kyl	Conrad		
Warner	Cleland	Lieberman	Brownback	Lott	Dorgan		
	Daschle	Mikulski	Bunning	Mack	Hollings		
	Dodd	Murray	Burns	McCain	Inouye		
	Durbin	Reed	Campbell	McConnell	Landrieu		
	Edwards	Reid	Coverdell	Murkowski	Lincoln		
	Feingold	Robb	Craig	Nickles	Moynihan		
	Feinstein	Rockefeller	Crapo	Roberts			
	Graham	Sarbanes	DeWine	Roth			
	Harkin	Schumer	Domenici	Santorum			
	Johnson	Torricelli	Enzi	Sessions			
	Kennedy	Wellstone	Fitzgerald	Shelby			
	Kerrey	Wyden	Frist	Smith, Bob			
			Gorton	Smith, Gordon			
			Gramm	Specter			
			Grams	Stevens			
			Grassley	Thomas			
			Gregg	Thompson			
			Hagel	Thurmond			
			Hatch	Voinovich			
						<b>EXPLANATION OF ABSENCE:</b>	
						1—Official Business	
						2—Necessarily Absent	
						3—Illness	
						4—Other	
						<b>SYMBOLS:</b>	
						AY—Announced Yea	
						AN—Announced Nay	
						PY—Paired Yea	
						PN—Paired Nay	

industry (the Emergency Steel Loan Guarantee Act); funding will be provided for an emergency oil and gas guaranteed loan program and for royalty relief for producers of oil and gas on public lands; a public comment period will be required on the forthcoming National Academy of Sciences study on proposed Surface Mining Reclamation Rules for Locatable Mineral Operations; the aviation insurance program will be extended through May 31, 1999; it is the sense of the Senate that a pending \$500 million sale of wheat and other agricultural commodities to Iran should be approved; the Secretary of the Interior will not be permitted to propose or promulgate regulations under the Indian Gaming Regulatory Act, and Class III gaming will not be approved by any means other than a tribal-State compact until 8 months after Congress receives the National Gambling Impact Study Commission's report; payments will be authorized to settle claims for deaths arising from the accident involving a United States Marine Corps A-6 aircraft on February 3, 1998 near Cavalese, Italy; and the Air Force will be permitted to lease aircraft for operational support purposes.

**The Murkowski amendment** would bar the Secretary of the Interior from restricting subsistence or commercial fishing, or subsistence gathering, in Glacier Bay National Park in Alaska, until such time as the State of Alaska's legal claim to ownership and jurisdiction over submerged lands and tidelands in the affected area is resolved either by a final determination by the judiciary or by a settlement between the parties to the lawsuit. This restriction would not apply to the closing of the Dungeness crab fisheries under the enacted agreement under which the Secretary is required to provide compensation to the fishermen who are banned from those fisheries.

Debate was limited by unanimous consent. After debate, Senator Baucus moved to table the amendment. Generally, those favoring the motion to table opposed the amendment; those opposing the motion to table favored the amendment.

NOTE: After the failure of the motion to table, the amendment was adopted by voice vote. The bill was subsequently adopted by voice vote as well.

**Those favoring** the motion to table contended:

The Murkowski amendment proposes a solution to a controversial environmental dispute that has already been settled with compromise language. That language, which was attached to last year's Interior Appropriations Committee, was negotiated between the senior Senator from Alaska and the Clinton Administration. It provides that crab fishermen operating in Glacier Bay National Park must stop their activities and they will be paid by the Federal Government, and it provides that the Park Service will develop a management plan in cooperation with the State of Alaska for the regulation of other commercial fisheries in the park. That deal is fair. It was a compromise plan that the Administration was forced to accept on an appropriations bill. We do not think we should be reopening this issue just 6 months later. We thus urge our colleagues to table this amendment.

**Those opposing** the motion to table contended:

The sole issue with regard to Glacier Bay that was settled on last year's appropriations was the issue involving the Dungeness crab fisheries. We agreed to let the Federal Government shut those fisheries down as long as it provided compensation to the affected fishermen. By no means were we nor those fishermen pleased with that deal--they would much rather work than get payments from the Federal Government for not working, and we note as well that they have yet to receive one red cent in payment for the loss of their livelihood. Still, we are willing to stick by that agreement. No other issues regarding fishing or subsistence gathering in the park have been settled, though. The small Alaskan communities within the Glacier Bay area are dependent on fishing in the park. Most of the commercial operations are small, mom-and-pop type trollers that fish for halibut, some bottom fish, and a few salmon that enter the bay for feeding. Those operations are well regulated by the Department of Alaska, which unlike the Park Service, has biologists who have experience and knowledge in maintaining fisheries. Most of the Alaskans who fish in the park are from Native American tribes that have been in the area for 6,000 years. Like their ancestors, most of them just engage in subsistence activities. They fish, and they also gather seagull eggs for consumption (chickens cannot live in the cold, wet climate in the park). The Park Service is not concerned with protecting these Native Americans' rights. In fact, it has gone out of its way to destroy them, even to the extent of burning down their summer villages. That sounds like ethnic cleansing--maybe NATO should be calling for air strikes against the National Park Service. The agreement that we reluctantly acceded to on last year's appropriations bill did not provide any protection for subsistence activities in the park. The only protection that it gave for commercial fisherman other than the crab fishermen is that it called on Alaska and the Park Service to work together on a management plan for other fishermen. Unfortunately, the Park Service has instead come up with a plan that will shut down all other fishing activities. The Park Service contends that commercial activities in the park are just unseemly. However, it does not mind allowing 2,000 passenger commercial cruise ships to operate in the park. It only objects to little fishing boats. The State of Alaska is not at all pleased with the anti-people policies of the Park Service. It has filed suit asserting jurisdiction over the water and submerged land in the park, and we believe that it has a strong legal claim for that suit. Therefore, we have offered the Murkowski amendment to stop the Park Service from continuing with its campaign against Alaskans in the park until that suit is settled. We urge our colleagues to support this amendment.